

DISTRICT COURT
CITY AND COUNTY OF DENVER, COLORADO

ACLU OF COLORADO, INC.)

Plaintiff,)

v.)

CITY AND COUNTY OF DENVER)

Defendants.)

No. 03-CV-7964

DECLARATION OF J. ROGER MORRISON
FEDERAL BUREAU OF INVESTIGATION

1. I am a Supervisory Special Agent of the Federal Bureau of Investigation (FBI) and am currently assigned as the Unit Chief of the National Joint Terrorism Task Force (NJTTF), Counterterrorism Operational Response Section, Operational Support Branch, Counterterrorism Division, FBI Headquarters, Washington, D.C.
2. The mission of the NJTTF is to enhance communication, coordination and cooperation between federal, state, and local government agencies representing the intelligence, enforcement, defense, diplomatic, public safety and homeland security community by providing a point of fusion for terrorism intelligence and by supporting the Joint Terrorism Task Forces (JTTFs) throughout the United States. The FBI has established a JTTF in every FBI Field Office in the United States. The JTTFs are led by the FBI and consist of federal, state and local officials working together in an effort to prevent, disrupt and defeat terrorist operations before they occur, to pursue the appropriate sanction for those who have conducted, aided and abetted those engaged in terrorist activities, and to provide crisis management following acts of terrorism.

Although one of my primary duties is to manage the JTTF program and to support the individual JTTFs, the SAC of the field office where the JTTF is located is the FBI official who exercises operational control over the JTTF in his or her area. As the program manager, however, I exercise authority and take responsibility for overall JTTF policy matters that extend beyond the operational concerns of a particular JTTF.

3. I am familiar with the standard JTTF Memorandum of Understanding (MOU), a copy of which has been executed by most of the state and federal partners of each JTTF throughout the Nation. Although non-federal JTTF member agencies sign MOUs, the FBI considers these documents to be federal documents in that they are intended to facilitate a vital and exclusive federal mission--the prevention of, and response to, acts of terrorism.

4. I understand that the above-captioned matter relates to a request for a copy of the MOU concerning the Denver JTTF entered into by the FBI, the Aurora Police Department, the Denver Police Department, the Jefferson County Sheriff's Department and the Colorado State Patrol. I understand that a copy of the MOU has been provided to the plaintiff, and that the only information redacted from that copy relates to the number of personnel to be committed to the Denver JTTF by the participating agencies.

5. Information relating to the number of personnel to be committed to the Denver JTTF by the participating agencies is sensitive law enforcement information that should not be publicly disclosed. Knowledge of the number of personnel to be committed to the Denver JTTF would be useful information to those who may be considering or planning to engage in terrorist activities, as this information would indicate the level of resources devoted to preventing, disrupting and defeating their activities. Terrorists could use such information to assess the likelihood that they

could successfully carry out terrorist operations in the Denver and Colorado regions.

6. I understand that the plaintiff has already obtained and filed in publicly accessible court files unredacted copies of what appear to be similar JTTF agreements involving the Portland and San Francisco Divisions of the FBI. If, in fact, information concerning the number of personnel committed to JTTFs in other Divisions of the FBI has been publicly released, this would only serve to heighten the need to protect such information in the Denver JTTF MOU. If terrorists are able to obtain information concerning the relative strengths and weaknesses of JTTFs in various jurisdictions throughout the country, this information would assist terrorists in making decisions concerning which areas of the United States to target and in assessing how to carry out terrorist operations in a given area. In contrast, it serves the interests of law enforcement and national security for those who are considering or planning to engage in terrorist activity to be unaware and uncertain of the relative strengths and weaknesses of the various JTTFs throughout the United States. For these reasons, I urge the court not to order the release of information relating to the number of personnel to be committed to the Denver JTTF by the participating agencies

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of January, 2004.



J. Roger Morrison
Unit Chief

National Joint Terrorism Task Force
Counterterrorism Operational Response Section
Operational Support Branch
Counterterrorism Division
FBI Headquarters
Washington, D.C.